REMARKS

Claims 1-29 and 31-37 were pending and stand rejected. Claims 1, 9, and 27 have been amended. Claims 8 and 21-23 have been cancelled without prejudice or disclaimer. Applicant respectfully requests reconsideration in view of the above amendments and the following remarks.

In the Office Action, the Examiner pointed out that the declaration on file is defective and requires a new oath or declaration in compliance with 37 CFR 1.67(a). Applicant has executed a new declaration and power of attorney which is included along with this amendment.

Claims 1-4, 6-22, 24-27, 29, 31-34, and 36-37 stand rejected under 35 USC 103(a) as being unpatentable over Thornton et al. in view of Peter. Applicant respectfully traverses this rejection.

Both independent claims (claim 1 and claim 27) have been amended to specifically claim that the openly hydrophobicized leather layer is a leather which has been saturated with a hydrophobicizer selected from the group consisting of fluorocarbons, silicones, and polysiloxanes. Furthermore, the claimed liquid-water-resistant and water-vapor-permeable functional layer is now limited to expanded polytetrafluoroethylene. Applicant submits that the prior art fails to disclose or suggest the novel combination of features in the currently claimed invention. Specifically, neither Thornton nor Peter disclose or suggest the use of expanded polytetrafluoroethylene as the claimed liquid-water-resistant and water-vapor-permeable functional layer. Moreover, applicant submits that Peter only discloses a water-repellent-surface impregnation by spraying. Applicant submits that this spraying step disclosed by Peter is only used on finished products, for example shoes and clothing. However, applicant submits that simply spraying the surface of the finished product will not lead to strong and effective impregnation as the currently claimed saturation step would. Peter fails to disclose or suggest the claimed step of saturating leather with a hydrophobicizer selected from the group consisting of fluorocarbons, silicones, and polysiloxanes. Furthermore, contrary to the position in the Action, there is simply no disclosure in Peter that the leather layer in Peter is "breathable".

In short, neither Thornton et al. nor Peter disclose or suggest a liquid-water-resistant and water-vapor-permeable expanded polytetrafluoroethyene functional layer combined with a leather layer which is openly hydrophobicized by saturating the leather with a hydrophobicizer selected from the group consisting of fluorocarbons, silicones, and polysiloxanes, wherein the leather layer is laminated with its inner surface unmediatedly onto one side of the functional

layer using a powder adhesive. Furthermore, this combination of materials has surprisingly resulted in the claimed properties of the laminate having a water-vapor-transmission resistance of less than $600X10^{-3}$ (m^2 mbar)/W and a crumple flex durability of at least 50,000 cycles. Accordingly, applicant respectfully requests that this rejection be withdrawn.

Claims 5, 28 and 35 stand rejected under 35 USC §103(a) as being unpatentable over Thornton et al. in view of Peter as applied to claim 1, and further in view of McConnell. Applicant respectfully traverses this rejection.

Applicant submits that McConnell fails to provide the deficiencies of Thornton and Peter as discussed above. Accordingly, this rejection should be withdrawn as well.

Finally, claim 23 stands rejected under 35 USC §103(a) as being unpatentable over Thornton et al. in view of Peter as applied to claim 1, and further in view of Gore. Applicant respectfully traverses this rejection.

Although Gore teaches the use of expanded polytetrafluoroethylene to create laminate structures, applicant respectfully submits that Gore does not provide the deficiencies of Thornton and Peter, discussed above. Specifically, applicant submits that Gore fails to disclose adhering an expanded polytetrafluoroethylene functional layer to a leather layer which has been openly hydrophobicized by saturating the leather with a hydrophobicizer selected from the group consisting of fluorocarbons, silicones, and polysiloxanes. Moreover, the combination of references also fails to render obvious the surprising result that such a combination of expanded polytetrafluoroethylene and leather layer which is saturated with at least one of fluorocarbons, silicones and polysiloxanes, which are adhered together using a powder adhesive, would result in a laminate having water-vapor-transmission resistance of less than $600X10^{-3}(10^2$ mbar)/W, and a crumple flex durability of at least 50,000 cycles. Applicant submits that it is indeed surprising that a material such as expanded polytetrafluoroethylene can be so durably bonded to a leather layer which has been saturated with a material selected from fluorocarbons, silicones, and polysiloxanes. Applicant submits that one skilled in the art would not be motivated to take a leather layer which has been saturated with a material selected from fluorocarbons, silicones and polysiloxanes, and attempt to laminate it to an already liquid-water-resistant and water-vapor-permeable layer. Applicant submits that one skilled in the art would expect that the use of such a hydrophobicizing agent would actually result in the leather layer being more difficult to adhere to a substrate, as compared to untreated leather. Thus, applicant submits that one would not be motivated to

attempt to laminate the claimed saturated leather layer to an expanded polytetrafluoroethylene functional layer. Furthermore, one skilled in the art clearly would not expect to obtain the claimed water-vapor-transmission resistance and crumple flex durability values of the claimed invention. Accordingly, applicant respectfully requests that this rejection be withdrawn.

As all of the outstanding rejections have been addressed and overcome, applicant respectfully requests issuance of a Notice of Allowance directed toward claims 1-7, 9-20, 24-29, and 31-37. Should the Office have any questions, the Office is invited to telephone applicant's undersigned representative.

Respectfully submitted,

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